

Notice of Allowability

Application No.

10/621,777

Examiner

Cheukfan Lee

Applicant(s)

FREDLUND ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed February 23, 2006 and a terminal disclaimer filed March 13, 2006.
2. ☒ The allowed claim(s) is/are 1-29, now renumbered 1-13, 15, 14, 16-27, 29, and 28, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


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1. All pending claims 1-29 are allowed. Claims 1 and 16 are independent.

2. The terminal disclaimer filed March 13, 2006 has been approved.

3. The following is an examiner's statement of reasons for allowance:

The filing of the terminal disclaimer on March 13, 2006 has overcome the non-statutory obviousness-type double patenting rejection of claims 1-29. U.S. Patent No. 6,600,572 was applied in that rejection.

Claims 1 and 16 are allowable over the prior art of record. The user's guide, "Kodak Picture Exchange, User's Guide for Macintosh Computers", cited by Applicant in the information disclosure statement filed March 15, 2004, discloses offering a premier worldwide image exchange network that makes accessing on-line image collections as close as one's fingertips, and a method of using a desktop computer and a modem to search for the right image and submit a request to use the image in one's advertising promotions, publications, annual reports, and multimedia presentations (see page 3). However, this Kodak's user's guide has copy right of 1993. The present application has an effective U.S. filing date of February 25, 1994, and the present application is assigned also to Eastman Kodak Company.

Claims 1 and 16 are allowable over the prior art of record because the prior art does not teach a method for remotely ordering image products or services by a customer with respect to digitally stored images, as claimed in claim 1, the method comprising storing an obtained digital file of at least one image in a memory device and

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associating an order number that identifies the digital file, facilitating viewing of the images and associated order number by the customer prior to ordering image products with respect to the at least one image, and facilitating remote electronically ordering an image product or service by the customer with respect to the at least one image over a communication network using the order number.

Claims 2-15 depend on claim 1. Claims 17-29 depend on claim 16. Claims 2-15 and 17-29 are thus allowable for the reason given for claims 1 and 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
May 9, 2006



Cheukfan Lee